

Tentative Rulings

August 13, 2018

Department 12

NOTICE TO ALL GUARDIANS AND PETITIONERS: The Family Law Facilitator offers assistance on Guardianship matters by appointment. **PLEASE NOTE:** Guardianship workshops are no longer being held. The Court recommends that all Guardians and Petitioners, especially self-represented litigants (individuals without an attorney) contact and make an appointment for assistance on their Guardianships to ensure that Guardians are aware of their ongoing obligations/responsibilities to the Ward and to the Court.

1:30 p.m.

GDN OF KENDALL BARNES

Case Number: 29104

Tentative Ruling on Petition for Termination of Guardianship: This matter is on calendar for hearing on a Petition for Termination of Guardianship filed by the minor's father (David Barnes). The matter was continued from July 2, 2018 due to defects in service. The matter has now been properly noticed, with proof of service of the Notice of Hearing on file. The Guardians have objected to the Petition. The Court has reviewed the Court Investigator's report, filed June 209, 2018, which recommends granting the Petition. **An appearance is required by the parties to set this matter for a contested hearing.**

GDN OF KHAINE BIGLEY

Case Number: 29472

Tentative Ruling on Status of Service and Setting of Contested Hearing: This matter is on calendar for further proceedings on a Petition for Guardianship of the Person. The matter was continued to today's date to permit from May 23, 2018 and again from July 2, 2018 for proper service on the minor's maternal grandfather, Jonathan Momsem. Despite service of some documents, there is no proof of service reflecting that Mr. Momsem was provided a Notice of Hearing for any hearing date. **An appearance is required by the Petitioners to explain their continued failure to provide notice to Mr. Momsem.**

GDN OF AUTUMN BISCHOF

Case Number: 29067

Tentative Ruling on Status of Mother's Visitation: This matter is on calendar for further proceedings regarding the mother's visitation with the minor. **An appearance is necessary on today's calendar to discuss the status of the mother's visitation.**

GDN OF ALLEXIS & MICHAEL BUCKNER
Case Number: 29689

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minors, Allexis and Michael Buckner. The Petition was filed by the minor's uncle and his fiancée (David Hinkle and Allison Terry). Letters of Temporary Guardianship issued on July 9, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The mother has been personally served. There is no proof of service on the Notice of Hearing for the father, maternal grandmother or paternal grandparents. Insufficient information has been provided to permit the Court to dispense with notice to these parties. The father must be personally served or served by mail with acknowledgment of receipt. All other individuals can be served by mail. The Court has reviewed the Court Investigator's report, filed August 7, 2018, which recommends granting the Petition.

This matter is continued to **Monday, September 17, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties.

Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.

GDN OF AJAH CLARK
Case Number: 29682

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Ajah Clark. The Petition was filed by the minor's maternal grandmother (Marcia Perkins). Letters of Temporary Guardianship issued on June 28, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The father has been personally served. The mother has consented to the Guardian and waived noticed. There is proper proof of service on the maternal grandmother. The Court dispenses with notice to the deceased paternal grandfather and maternal grandfather. The matter has been properly noticed, with proof of service established on all living parties except the mother who has waived notice. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed August 7, 2018 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, August 19, 2019, at 1:30 p.m. in Department 12.** **No appearance is necessary on today's calendar.**

GDN OF GERALD, GEOVANNI & IAN CORONA

Case Number: 28525

Tentative Ruling on Annual Review: The Petition for Guardianship of the Person was filed January 8, 2016 by the maternal grandmother, Maria Raquel Carrillo and maternal aunt, Raquel Carrillo. On June 20, 2016, they were appointed Guardians of the Person. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than June 30, 2018. The report has not been submitted. **The Guardians are ORDERED to appear at today's hearing and to submit their annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions in the amount of \$250 for the Guardians' failure to file the Status Report and appear as ordered.**

GDN OF AIDYN FLAMMINI

Case Number: 29352

Tentative Ruling on Status of Father's Visitation: This matter is on calendar for further proceedings regarding the father's visitation with the minor. **An appearance is necessary on today's calendar to discuss the status of the father's visitation. Father may appear by phone.**

GDN OF WILLIAM GARLOCK

Case Number: 29209

Tentative Ruling on Annual Review: The Petition for Guardianship of the Person was filed June 20, 2017 by the minor's maternal grandfather, Kevin Kennedy. An Amended Petition was filed on July 7, 2017 by Mr. Kennedy and the maternal step-grandmother, Kristina Walker. On August 7, 2017, they were appointed Guardians of the Person. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than June 30, 2018. The report has not been submitted. **The Guardians are ORDERED to appear at today's hearing and to submit their annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions in the amount of \$250 for the Guardians' failure to file the Status Report and appear as ordered.**

GDN OF EMMA GONZALES
Case Number: 29595

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minor, Emma Gonzales. The Petition was filed by the minor's cousin (Christina Fautch). A competing Petition has also been filed by the minor's aunt (Carol Phay). Letters of Temporary Guardianship issued to Ms. Fautch on June 14, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

Neither Petition has been properly noticed for today's hearing, though the minor's father has submitted a written objection. The minors' parents must be personally served in order to move forward on the Petition. Prob. Code § 1511(b). All other parties may be served by mail. Prob. Code § 1511(a). The Court Investigator's office has submitted a report recommending that the Phay Petition be denied. Ms. Phay has informed the Court Investigator that she no longer wishes to pursue the matter. No investigation report has been received from CFS related to the Fautch Petition. **An appearance is require by Ms. Phay to confirm whether or not she intends to proceed with her Petition.**

The Fautch Petition is continued to **Monday, October 1, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. The Court intends to appoint the Public defender to represent the child. Petitioners are ordered to file and properly serve a new Notice of Hearing with the continued hearing date on all necessary parties to these proceedings. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition.**

GDN OF KYLE HALL
Case Number: 29680

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. The Temporary Guardianship's powers are set to expire today unless further extended. The matter was continued to today's date to confirm counsel for the minor, and to set a date for contested hearing. **An appearance is necessary on today's calendar to confirm counsel for the minor, and to discuss the Guardianship's status.**

GDN OF MAVERICK HARRIS

Case Number: 28787

Tentative Ruling on Annual Review: The Petition for Guardianship of the Person was filed July 21, 2016 by the paternal grandmother, Kimberly Hogan. On September 12, 2016, she was appointed Guardian of the Person. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than June 30, 2018. The report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and to submit her annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions in the amount of \$250 for the Guardian's failure to file the Status Report and appear as ordered.**

GDN OF NORMAN & KAITLYNN HICKS

Case Number: 29667

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minors, Norman Hicks and Kaitlynn Hicks. The Petition was filed by the minors' uncle (Troy Boudreaux). Letters of Temporary Guardianship issued on June 14, 2018. The Temporary Guardianship's powers are set to expire today unless further extended. A competing Petition was filed on July 11, 2018 by Reynea Gerdes.

Boudreaux Petition: An Amended Notice of Hearing was filed for today's hearing but it indicates that the father was served by mail. The minor's parents must be personally served in order to move forward on the Petition. Prob. Code § 1511(b). The father has submitted a handwritten letter requesting that Ms. Gerdes be appointed as Guardian. The Court finds that the father has actual notice of today's hearing and the competing Guardianship petitions. All other required parties have been properly served by mail. Prob. Code § 1511(a). The Court Investigator's Report filed on July 11, 2018 recommends that the Boudreaux Petition be granted. Mr. Boudreaux has submitted an amended Confidential Guardianship Screening Form but it is unsigned. If Mr. Boudreaux appear he can execute the document in Court. Otherwise another Screening Form with signatures will need to be submitted.

Gerdes Petition: The Gerdes Petition has not been properly served. Ms. Gerdes has provided a declaration that multiple family members are deceased but the Boudreaux Petition does not indicate these individuals are deceased and is in fact serving them by mail. The CFC Report filed on August 7, 2018 recommends that the Gerdes Petition be denied. The father has submitted a handwritten letter requesting that Ms. Gerdes be appointed as Guardian.

An appearance is required by the parties to discuss the whether the individuals identified as deceased by Ms. Gerdes are actually deceased. This information is necessary to determine who else needs to be served to place the Gerdes Petition at issue. Once both Petitions are at issue, the Court intends on appoint counsel for the minor and setting this matter for a contested hearing.

GDN OF DUNCAN LEAF

Case Number: 29640

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Jacob Leaf. The Petition was filed by the minor's maternal grandmother (Kathryn Goodwin). Letters of Temporary Guardianship issued on May 24, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The minor's mother has executed a Consent to Appointment of Guardian and Waiver of Notice. The father and paternal side of the family are unknown. However, the minor's maternal grandfather still needs to be properly served. He may be served by mail. Prob. Code § 1511(a). The service issues were brought to the Petitioner's attention at the last hearing on July 2, 2018 and she was ordered to file and serve a new Notice of Hearing for today's date. No new Notice of Hearing was filed and therefore the service issue remains. The Court has received and reviewed the Court Investigator's Report dated July 5, 2018 which recommends the Petition be granted. No objection has been filed. The Court intends on granting the Petition with proper service.

This matter is continued to **Monday, September 17, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties.

Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition.

GDN OF CODY LOGAN

Case Number: 29669

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Cody Logan. The Petition was filed by the minor's maternal grandmother (Janet Logan). Temporary Letters have not issued. The matter has been properly noticed, with proof of service established on all parties. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed June 23, 2018 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, August 19, 2019, at 1:30 p.m. in Department 12.**

GDN OF ZACHERIAH & IZABELLA NASH

Case Number: 29651

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the PersonS. The Temporary Guardianship's powers are set to expire today unless further extended. The matter was continued to today's date to confirm counsel for the minors, and to set a date for contested hearing. **An appearance is necessary on today's calendar to confirm counsel for the minor, and to discuss the Guardianship's status.**

GDN OF JAYSIE PATNODE

Case Number: 29691

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Jaysie Patnode. The Petition was filed by the minor's cousin (Suvannah Patnode). Letters of Temporary Guardianship issued on July 9, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The matter has been properly noticed, with proof of service established on all parties. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed the Court Investigator's report, filed June 26, 2018, which recommends granting the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the petition. Visitation shall be at the guardian's discretion. A proposed order appointing Guardian has been lodged and will be executed by the court. Annual review is set for **Monday, August 19, 2019, at 1:30 PM in Department 12.**

GDN OF COLTIN RALEY-CARTER & DUSTIN RALEY

Case Number: 29602

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person. The Temporary Guardianship's powers are set to expire today unless further extended. The matter was continued to today's date to confirm counsel for the minor, and to set a date for contested hearing. An objection has been filed by Casey Raley. **An appearance is necessary on today's calendar to confirm counsel for the minor, and to discuss the Guardianship's status.**

GDN OF MARK STRAUSBAUGH

Case Number: 29056

Tentative ruling on Petition for Termination of Guardianship: This matter is on calendar on a Petition for Termination of Guardianship filed by the mother, Robyn Valentine. The matter has not been properly noticed. The proof of service on the Notice of Hearing is incomplete; it fails to provide the date and place the items were mailed from. The Guardians have filed an objection and therefore the Court will find that they have been properly served. The Court still requires proper service on the living grandparents. Service by mail at least 15 days prior to the hearing is sufficient. The Court has reviewed the Court Investigator's Report dated August 7, 2018 which recommends the Petition be denied.

This matter is continued to **Monday, September 17, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties.

Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.

GDN OF KYLIEGH & CONNOR TOWERY

Case Number: 28281

Tentative Ruling on Annual Review: The Petition for Guardianship of the Person was filed May 20, 2015 by the minor's maternal grandmother, Marlene Loper. On August 10, 2017, she was appointed Guardian of the Person. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than June 30, 2018. The report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and to submit their annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions in the amount of \$250 for the Guardians' failure to file the Status Report and appear as ordered.**

GDN OF KYLE ULMER-HIX

Case Number: 29688

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Kyle Ulmer-Hix. The Petition was filed by the minor's paternal grandparents (John and Valli Hix). Temporary Letters have not issued.

The father has consented to the appointment of the proposed Guardians. The Notice of Hearing has not been served on the mother or maternal grandparents. Insufficient information has been provided to permit the Court to dispense with notice to these parties. The mother must be personally served. All other individuals can be served by mail. The Court has reviewed the Court Investigator's report, filed July 27, 2018, which recommends granting the Petition.

This matter is continued to **Monday, September 17, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties.

Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition.

GDN OF BLAKE, RHETT & SCARLETT WILLIAMS

Case Number: 29696

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minors, Blake, Rhett and Scarlett Williams. The Petition was filed by the minors' maternal grandmother (Leslie Williams). Letters of Temporary Guardianship were issued on July 11, 2018. The Temporary Letters expire today unless extended by the Court.

This matter has not been properly noticed on Mark Havsgarrd (father of Rhett), John Bellah (father of Scarlett) or Amanda Williams (the mother). Parents are required to be served by personal service. All other required parties have been properly served either personally or by mail. Proper proof of service will still need to be established as to the above noted parties. The Court Investigator's report is still being completed.

This matter is continued to **Monday, September 10, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. Petitioner is ordered to file and properly serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**